

1914. 15
(Courts)

Preserve
27/8/26

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-15

Part B for November 16.

SUBJECT.

Rules under the Guardian and
wards Regulation of 1911.

15) To, The Registrar Chief Court
J 1737 Df 16. 11. 1916.

Communicates the views of Govt. re the
proposal to frame rules for the better
administration of the Guardian
and wards Regulation of 1911.

Mafunaaundao
9/4/17

GENERAL AND REVENUE SECRETARIAT.

(Court)

NOTES.

File No. 226 of 1914

FILE HEADING.

Rules under the Guardian and Wards
Regulation of 1911

From

The Registrar, Chief Court

No.	Dated	Received
Diary No. 11039	Enclos. 1	Spare Copies.
		Serial No. 1

BRIEF ABSTRACT OF LETTER.

Submitted for the consideration of Govt a note by Mr Paramasiva Iyer on the question of framing rules for the better administration of the Guardian and Wards Regⁿ and enquire whether Govt is prepared to consider the suggestion favourably and acceptance likely to add to the work of Revenue Officers and may it involve some amendment of the Regⁿ.

NOTES AND ORDERS.

Particular Govt Order:

2nd 22e Cont

rules framed under

Act VIII of 1890 is

sent by letter dated 12-8-14

1) Sub with a copy of the Regⁿ I of 1911.

Reg. 116

22/1/15

The proposal of Mr Paramasiva Iyer is to appoint an official guardian in all cases in which investigation yields a substantial surplus over the maintenance and education

Serial
No.

charges of the ward. The proposal, if carried out, will add to the work of the Revenue Officers, and will involve an amendment of the Regulation. If the principle be approved by Govt, the Chief Commr. undertake to submit the necessary rules and proposals for the consideration of Govt.

3) This principle has been recognized by the British Indian enactment, the County Wards Act. Though it is unnecessary to introduce the provisions of any such enactment in Mysore, the proposal of the Paramasiva Dept, ^{if approved,} will be a great step in achieving the same object without any substantial amendment of the Regs.

4) The Revenue Commission may perhaps have to be consulted. A copy of the Rules recently framed by the Bombay High Court is submitted.

2/2/15

First Member

5) To put up a copy of Court of Wards Act of Madras or some other Province -

16/2/15

6) Subd with refer.

16/2/15

20/2/15 NR, First Member

Copy of Wards Act of
Madras,
Bengal,
Punjab
d 26 of Apr 1915
put up

R. S. 12]

General and Revenue
Secretariat.

Ch File No. 226 of 1914-15

Serial
No.

Send a copy of the Registrar's letter and the Judge's note to the Rev. Commr., the I. G. of Police and all Deputy Commissioners and get their opinions. They may be also asked to give an opinion as to whether it is desirable to pass a Regulation on the lines of Court of Wards Act in British India, making either the Rev. Commr. or the Mag. Supdt the Court of Wards for Mysore. The opinion of the Mag. Supdt. also may be obtained on the latter point.


27/3/18
mag 27/3

Please put up draft
27/3.

Ch
30/3

Two
~~one~~ drafts are subd.

W.
31/3/15 JLL

g) Issue
27/3

✓
mag
8/4

Serial
No.
2To The Rev Com^r in MysoreThe S^d. of PoliceThe Dy Com^r of Dist^{ct}.

No J 3397-406 of 6.4.15

Forward a copy of the Registrar's letter to the
with a copy of its enclosure and call for
their opinion on the suggestion made in
M^r Paramasiva Iyer's note and enquire
whether it is considered desirable to pass a
Regⁿ on the lines of the Court of Wards Act.

3

To The Muzrai Suptd.

No J 3407 of 6.4.15

Enquire whether he would consider it
desirable to have a Regⁿ passed on the
lines of the Court of Wards Act making
either the Rev Com^r or the Muzrai Suptd.
Court of Wards for Mysore.

4

From the D.C., Bangalore Dist

No 626 of 10.4.15

5

From the D.C., Mysore Dist.

No 850 of 28.4.15

6

From the D.C., Chitalanag Dist.

No 498 of 29.4.15

7

From the Rev Com^r in Mysore

No 15771 of 4.6.15

Serial
No.
8

From the Muzrai Supt. in Mysore
no 119 of 2.8.15

9

From the D.C., Kadur
no 105 of 16.8.15

10

From the D.C., Shimoga
no 98/114 of 18.8.15

11

From the D.C., Hassan
no 97 of 4.9.15

12

From the D.C., Tumkur
no 139 of 8.9.15

13

From the D.C., Kolar
no 142 of 15.11.15

Furnish their opinion in the matter

14

From the D.C. of Dacca in Mysore
no 5574/693 of 9.4.16

States that the proposal would materially increase the work of the D.C. and may not prove of benefit to the orphans and add that there is hardly any necessity for introducing the County Wards Act as the large landed estates are not in the habit of doing so. The opinion called for has been received from all the officers.

Ag.
12.4.16
OK
12/4/16

1) Please put up a table showing brief ^{various} opinions of the ~~various~~ officers consulted.

Er. J. S.

G. R. S. 12]

General and Revenue
Secretariat.

16

File No. 226

of 1914

Serial
No.

729

The D. C. Bangalore. Mr K. Chandy,

Deputy Commr may be appointed guardians if (1) suits arising out of their management are brought after six months notice or ~~the~~ Govt. invariably defend them and (2) provision is made for periodical audit by an expert staff.

There are few large estate requiring management by a Court of wards. If one is considered necessary for small estates the Rev Court may be made the Court of Wards.

The S.C. Deputy Mr A. Subramanya Esq.

The intervention of Govt is not necessary in the management of the estates of orphans. If it is considered otherwise revenue officers may be appointed guardians. Rules require modification.

If a Court of Wards is established the Rev Court associated with the Muzarai ~~of~~ and another officer

General and Revenue
Secretariat.

to

File No. 226

of 1914.

Serial
No.

may be appointed.

The D.C. Chitaldrug. Mr. Thyagaraja Dyr. -

Agrees with the views of Mr. Paramasiva Dyr. There will be no increase of work as estates yielding a surplus may not be many. It is desirable to have a Court of Wards Regulation with the Rev. Comr. as the Court.

The Rev. Comr. Mr. Doraswamy Dyr.

The proposal will add to the work of overworked revenue officers and it is undesirable to tax them with it except in special cases.

No necessity has been felt for a Court of Wards Regulation. The working of the Guardian and Wards Regulation should be watched to see if the requisite facilities are not afforded by it.

The Muzarai Supt. Mr. S. Aravamudan Dyr.

A Court of Wards Regulation is not an immediate necessity, as the Guardian and Wards Regulation

G. R. S. 12]

General and Revenue
Secretariat.

No File No. 226

of 1914.

Serial
No.

is sufficient for all practical purposes,
it may however be placed on the
Statute Book to meet special cases.
The Res. Com^r is the proper officer & not
the Muzari Supd^r.

D.C. Kadur. Mr K. Krishna Rao.

The suggestion is a good one and
deserves consideration, though, it will
increase the responsibilities of Deputy
Com^r.

D.C. Shimoga. Mr K. Mathan.

The provisions of the Guardian and Ward
Regn do not safeguard the interests of
orphans and court guardians are in-
different. The management should be
entrusted to responsible officers where the
estate is valuable or special circumstances
demand it. The ordinary procedure of
Courts is cumbersome and the D.C. has
not adequate facilities. A Court of
Ward Regn is necessary and the
Muz. Supd^r may be made the Court

D.C. Hassan. Mr B. Ramaswamy.

The measure will substantially in-
crease

16

File No. 226

of 1914

Serial
No.

increase the work of Rev. Officers and their control will be as nominal as that of Civil Courts. The remedy lies in framing suitable rules for better and more effective working by the present agencies than in appointing D.C.s as guardians.

D.C. Tumkur - Mr K. R. Sreenivasengar.

The change will add considerably to the work of Revenue officers. A D.C. may be appointed only when he is willing and can find time to attend to the work.

Without statistics of estates which have been mismanaged it is difficult to say if a Court of Wardship is necessary. If the number justifies it, the Regm may be introduced and the Muzari Subd. may be made Ct of Wards.

D.C. Kolar - Mr P. F. Bowring.

Guardians appointed by Courts often mismanage the estates and it is desirable to frame rules
so

2708

(9)

G. R. S. 12]

General and Revenue
Secretariat.

Cb File No. 226 of 1914-15

Serial
No.

as proposed by Mr Paramaswa
Dy. to safeguard the interests
of minors.

The D.C. of Police. Mr. P. Srikanthavara Aiyar.

The proposal would materially in-
crease the work of overtaxed D. C's. There
are no complications and difficulties in
the management of ^{temples} ~~minorities~~ as in
the case of private estates. The Guardian
and Ward Regulation amply provides
for ^{the} safety of wards' interests, as guardians
appointed by Courts will be subject
to their control. The Judges ought to
exercise the powers vested in them. The
Courts have only to supervise the work
of guardians while the D.C. has to
do all the work ^{himself} and the employment
of a paid agency may not be to
the advantage of the estates. The D.C.
may be appointed only in desirable
cases and not necessarily in all
cases yielding a surplus.

There is hardly any necessity
for the introduction of a Regulation
on the lines of the Ct of Wards Act.

13/2
Jabed with reference to para. 11.

5/6/16. M

Serial
No.

13) The opinions of the 2^d Commissioners, and the Revenue Commissioner, the Sg. of the and the Muzrai Superintendent were invited on the points :-

- (1) whether it is desirable to pass a Regulation on the lines of the Embowards Act of British India.
- (2) whether a rule may be framed that in the case of an estate yielding a substantial surplus over the personal and educational needs of the minor, the 2^d Commissioner should invariably be appointed guardian and manager of the estate.

14) As regards the first question, the majority of the officers consulted ^{do} not consider that there is any necessity for the introduction of such law in Mysore.

15) In regard to the ^{second} question also, there is a ^{strong} opinion in the effect that the provisions of the Guardians Wards Regulation are sufficient, and that the working of the same may be watched for some time before any modifications are made.

16) It is therefore a point for order whether Govt. may express any opinion in favour of the Justice Paramasivam's note. The Chief Court merely want to know whether Govt. are generally in the same

2706

127

G. R. S. 12]

General and Revenue
Secretariat.

File No. 226 of 1914

Serial
No.

views of Mr. Paramasivai. In coming to
conclusion on this point, it has also to be borne
in mind that the proposal if sanctioned will
involve additional men's work to the 20 cents,
and in complicated cases, the appointment of an
administrator and auditor, which the
expenses are also likely to increase on this account.

Submitted for forwarding

24/6

1114

24.6.16

Second Member)

17 Please draft a reply to the
effect that, without more experience of
the working of the Guardians and Wards Regl.
than is at present available, it will
not be possible to say that an official
agency for the guardianship of minors
and the management of their estates
is ^{necessarily} called for; that opinion so far as
ascertained is ^{for the most part} in favour of the proposal;
and that the appl^l of ^{the} Regl. if it is
to be without detriment to ^{their legitimate} public interests
must be confined to exceptional cases
where no other agency can ^{conveniently} be provided.

Add that Govt will be prepared to reconsider
the matter if necessary after a few years' further
experience, and request that ^{special} attention may

92705

131

G. R. S. 12]

General and Revenue
Secretariat.

File No. 226

of 1914.

Serial
No.

cls
oh

be devoted to this matter in the annual
administration reports.

18 Let me see draft -

16
15.7.16

16
15.7.16

19. Draft as per para 17 is but up.

16.7.16
16.7.16

15
15.7.16

1461

15.7.16

Second Member)

20) Appd. May also
be sent to the Secy.

16
16.7.16

502
25.7.16

Secy)

21) I should be glad to be furnished with
the opinion of the First Member of Council.

26.7.16.

16

First
Member)

22) No legislation seems necessary.

It may be desirable to frame a
rule as suggested marked 2.

have 13 of the rule - for there

there is a substantial surplus there
is a great temptation to

mismanage - & various judicial
remedies are laborious & sometimes

295
28.7

16
28.7.16

G. R. S. 12]

General and Revenue
Secretariat.

its File No. 226 of 1914.

Serial
No.

understand. I don't think there need
be many such cases - & need it do
to meet the ^{objection} to fix a limit of
multiples - 10 says Rs. p. a. 3. This
the only of the to safeguard interests
of vendors.

6/11
19.7 over 19/17

23) Submitted with reference to the Dewan's
note in paragraph 21.

18
29.7

Sent)
Dewan)

762
5-8-16

Dewan's la
4/8
5/8

24) I should like to discuss the matter informally
at a meeting of Council - Secretary will kindly bring up

C.S. - Dewan
24/10
24/10

22-10-16. AC

✓
✓
B
-27/11

Disposal at a meeting)

15
No. C. 764

26.10.1916

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ii of the Schedule).

Question of framing rules for the better administration of
the Guardian and Wards Regulation, of 1911.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Rangobari

Secretary to Government.

26th Octr., 1916 .

Extraordinary Member of Council.

Received back from the Office of the
Genl Member on 2. 11. 16.

386
28.10.16 First Member of Council.

W 28/10 21/11

Second Member of Council.

Opinion recorded.

2208

18

16

Subject.-Clause ii of the Schedule.

Question of framing rules for the better administration of the Guardian and Wards Regulation of 1911.

OPINION OF THE COUNCIL.

25) No immediate action necessary,

9/11

cel

10/11

26) May be draft already in the file in the room

10/11

518
10.11

Int. Member

27) 2/11

10/11

cel

11/11

28) Some

11/11

G. R. S. 12]

General and Revenue
Secretariat.

to File No. 226 of 1914.

Serial
No.

15

To The Registrar

Chief Court,

no 1737

16th Nov. 1916

communicating the views of Court re the
proposal to frame rules for the better
administration of the Guardian and Wards
Regulation.

18

1330 In one
84
In one

DIAP / No 1039

Chief Court of Mysore,
Bangalore dated 18th September 1914
22

19/4-10/8-	From
SECTION Cl	
FILE No. 2269/1914	
SERIAL No. 1	
To	

T. Venkoba Rao Esq., B.A., B.L.,
Ag. Registrar, Chief Court of Mysore.

D.M. Narasinga Rao Esq., B.A., B.L.,
Offg. Secretary to Government,
General & Revenue Departments.

S i r ,

3
Enc to Secy.

I am directed to submit for the consideration of the Government, a note by Mr Justice Paramasiva Iyer on the question of framing rules for the better administration of the Guardian and Wards Regulation, V of 1911. His suggestion is, it will be seen, to appoint an official guardian in all cases where the estate yields a substantial surplus over the maintenance and education charges of the ward.

The Judges of the Chief Court have at present under consideration several rules which it appears desirable to frame under the Regulation, but before drafting a rule on the lines suggested by Mr Justice Paramasiva Iyer's they would be glad to be informed whether the Government is prepared to consider the suggestion favorably. Its acceptance is likely to add to the work of Revenue Offices, and may involve some amendment of the Regulation; and in these circumstances the Judges think it inexpedient to set about drafting rules to give effect to it without ascertaining whether the proposal, stated generally, has the concurrence of the Government. If so, it will be of course necessary to && elaborate it further in detail.

I am in these circumstances directed to enquire whether
the

22/9/14

2.

the Government would be disposed to accept a rule or enactment
on the lines suggested.

I have the honor to be,

Sir,

Your most obedient servant,

A handwritten signature in cursive script, appearing to read 'W. K. K. K. K.' with a long horizontal flourish at the end.

Ag. Registrar.

A small, stylized handwritten mark or signature, possibly initials, located below the typed name.

*Enclosure lost not
of file 226-1914*
N O T E.

It appears to me the State has a special responsibility for the protection and well-being of orphans and their estate. This responsibility is fully recognised in the Regulation ~~xx~~ in the prominence given to the Deputy Commissioner in sections 7, 17, 45 Etc. and above all in section 22 thereof. The protection of a hardworked stationary Judge and his ill-paid ~~Sub-~~ordinates is practically illusory in all except the preliminary judicial proceedings. A private manager of an estate is more often than not leisureless, indifferent or rapacious and even a genuine well-wisher may not be expected to devote the same attention to the minor's interests as to his own and the supervision of the court is almost always nominal. Many a minor has to my knowledge suffered materially under a court's administration while extravagant ^a or profligate land-holders whose estates have been managed by the Deputy Commissioner under the Revenue Code and Rules have invariably had reason to bless the Government management. Hundreds of temples, mutts and chatrams have been saved from ruin and are managed efficiently by Revenue officers and the Government in the Muzrai Department and the ~~sax~~ safe-guarding of orphans is as much a religious duty of the State as that of looking after Mutts and temples and in these days of avowed socialism I believe the Government would be only too glad to avail themselves of the provisions of ~~sax~~ sections 17 and 22 to stretch their powerful arm for the protection of fatherless infants and the management of the latter's estates will be an insignificant addition to and dovetail into the elaborate system under which they are looking after the estates of numerous temples, mutts, chatrams and encumbered Inamdars to their signal advantage. The Muzrai Superintendent is a Provincial officer and he may be empowered in addition to inspecting mutts, temples and chatrams to enquire into the

personal

2/14

personal welfare and education of minors and issue instructions in regard to these matters. ~~Once~~ Once the Deputy Commissioner is appointed guardian and manager, the responsibility for the minor's up-bringing and estate is transferred to Government under section 22 and that will be a real responsibility whereas a Judge is practically irresponsible whatever happens to the minor and his estate. I would therefore suggest that a rule be framed that in the case of all estates yielding a substantial ~~surplus~~ surplus over the personal and educational needs of the minor the Deputy Commissioner be invariably appointed guardian and manager.

sd. J. Parameswara Esq.

N.G. sd.

copy.

Wendell
H. Stephens

calling for opinion in the matter of framing rules under
the Guardian & Wards Regⁿ 2, 1911.

G. R. S. 26]

+

~~Two sets~~

cl: File No. 226-14

Serial No. 2

Diary No. of letter replied to

No. of 3397-406. En. 2 to each

General and Revenue Secretariat

()
the 191

To

- 1) The Rev Com^r in Mysore
- 2) The D.G. of Police
- 3) The D.G. Com^r of Dist.

Date of issue

6/4/1915

Signed by

M. G. Greenivasa Rao

Sir,

2 apcs under disposal

3
Enc 5/1

I am directed to forward
herein a copy of letter no 1330
from the Rev^y Com^r dated 16th Sep^r 1914, together with
a copy of its enclosure, in the matter
of framing rules for the better ad-
ministration of the Guardian
& Wards Regulation, 1911, &
to request you to be so good as to
sign over.

SUBJECT.

6/5/15

6/5/15

7
favour Govt with your opinion
on the suggestion made in m.
Paramasiva Iyer's note.

I am also to enquire
whether you consider it desirable to
have a Regulation passed on the
lines of the Court of Wards Act
in Br: India, making either the
Rev Comr or the Muzrai Supto.
the Court of Wards for Mysore.
I have to

ES/3
For OHS: See to Govt.

kg.
31.3.15 YRL

List of enclosures,

Copied by

Examined by

3

Calling for opinion in the matter of framing rules
under the Guardian & Wards Regⁿ, 1911

G. R. S. 26]

CC File No. 226-14

Serial No. 3

21/3

Two of 5

Diary No. of letter replied to

No. 3407

General and Revenue Secretariat

To

, the

191

Re Muzrai Supt.

Date of issue 6/4/1915.

Sir,

Signed by M. V. G. Sreenivasa Rao

I am directed to request

you to favour Govt. with your

opinion state that ^{it has been} suggested ^{that} ~~has been made for framing rules~~

be framed under the Guardian
& Wards Regⁿ, 1911, for appointing
an off^r Guardian for the protection
and well-being of orphans and
their estate in all cases where
the state yields a substantial
int. over.

SUBJECT.

11/4

24

Surplus over the maintenance and

education charges of the wards. I

am to enquire whether you would

^{consider} ~~think~~ it desirable to ^{have} ~~pass~~ a Regulation passed

on the lines of the Cont of Wards

Act in Br: India, making either

the Rev Com^r or the Muzrai Supt^r

the Cont of Wards for Mysore.

I have to

^G
^{21/5}
Muzrai: see "to Cont"

kg
31.3.15

List of enclosures,

Copied by

Examined by

10/10/14

GPB-100,000-29-7-14

From

191

W S
10/10/14

The Deputy Commissioner

Bangalore District

To

The Secretary to the Govt

Dated

13-6-15

Despatched

13-6-15

Received

General No.

No.

5626

Enclosure No.

On the question of framing
rules for the better
administration of
guardians & wards report
of 1911

J 626 .

Deputy Commissioner's Office,
Bangalore District.

Dated Bangalore, 10th April 1915.

From

13

K. Chandy, Esquire, B. A.,

Deputy Commissioner,
Bangalore District.

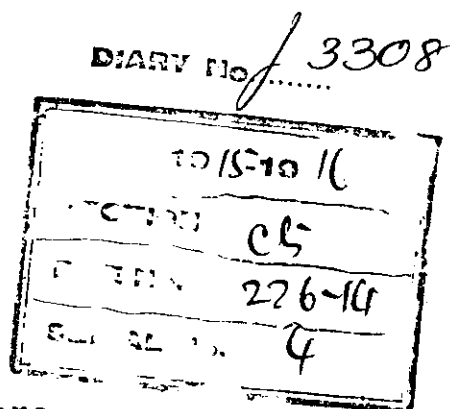
To

D.M.Narasinga Rao, Esq., B.A., B.L.,

Offg. Secretary to the Government of Mysore,

General and Revenue Departments,

Bangalore.



Sir,

Adverting to your letter No. J.3397-406/Cts. 226-14-2 dated the 6th of April 1915 forwarding copy of letter No. 1330/84 dated the 18th of September 1914 from the Registrar Chief Court of Mysore with a copy of its enclosures and requesting me to express my opinion on the suggestions made in Mr. Paramasiva Iyer's note on the question of framing rules for the better administration of the Guardian and Wards Regulation V of 1911, I have the honour to state as follows:-

1. The suggestion that the Deputy Commissioner may be appointed the guardian of all estates yielding a substantial surplus may be accepted; but on condition that either no suit arising out of such management should be brought against him except after a notice of six months of Government or that Government will, as a matter of course, defend all such suits. It is also necessary that rules should be framed for auditing such estate accounts at fixed intervals by a trained and experienced staff so that in the midst of the multifarious duties that the Revenue Officers have to discharge, no material irregularity may go undetected promptly.

2. Referring to the 2nd para of the letter under advertance, I beg to state that there are few estates in Mysore requiring management by a Court of Wards, but if the establishment of

of such a Court for the management of estates of smaller value than in Madras is deemed necessary, the Revenue Commissioner is the proper Officer to be made the Court of Wards and not the Muzrai Superintendent.

I have the honour to be,
S i r ,
Your most obedient servant,

H. G. Anderson

Deputy Commissioner,
Bangalore District.

Heu

11/14/14

From 191 *CS 30*
The Deputy Commissioner
Meyers District

To *The Secretary.*
to the Govt of Meyers

Dated *Gen. & Rev. Depts*

Despatched *28.4.15.*

Received

General No. *252*
No.

Enclosure No.

re safeguarding the interests
of orphans.

27
No 93-2

Office of the Deputy Commissioner, Mysore District.

Dated Mysore, 28th April 1915.

DIARY

J 3512

From

A. Subramanya Iyer, Esquire, B. A.,

Deputy Commissioner, Mysore District.

15	16
S-	CS-
FILE	226-14
SERIAL	5

To

D. M. Narasinga Rao, Esquire, B. A., B. L.,

Offg. Secretary to the Government of His Highness

the Maharaja of Mysore, Genl & Rev. Departments,

B A N G A L O R E.

Sir,

With reference to your letter No. J. 3397-406/Cts. 226-14-2 dated 6th April 1915, I have the honor to state that the point for consideration seems to be whether or not it is the duty of the State to safeguard the interests of Orphans. It it is regarded as their duty, the Officers of the Revenue Department may be entrusted with the work of managing the Estates of Orphans. Mr. Justice Paramasiva Iyer has complimented Revenue Officers upon their management of the Estates of Encumbered Jahgirdars and others. It seems to me that it is not the duty of Government to come to the relief of such persons, and - further, the orders of Government, that Revenue Officers of Government will be held responsible for anything that may be considered as negligence on their part in the management of the estates of such persons, have made me reluctant to - recommend the assumption of the management of such estates. A modification of the rules is very necessary.

2. In the event of a Court of Wards being established in the State, the Revenue Commissioner, who is the Official Superior of the Deputy Commissioner, would appear to be the

proper person to be appointed. The Muzrai Superintendent and another Officer may well be associated with the Revenue Commissioner.

I have the honor to be,

Sir,

Your most obedient servant,



Deputy Commissioner,

 Mysore District.

1914-15.

From

The Deputy Commissioner
Chitaldrug District

To

The Secretary to Government
- General & Revenue Department

Bangalore

Dated 29th April 1915

Despatched 30th April 1915

Received

General No. 498
No.

Enclosure No. —

Furnishing his opinion
in the matter of framing rules
for the better administration
of the Guardian and Wards
Regulation V of 1911.

29

Office of the Deputy Commissioner,
Chitaldrug District.
Dated Chitaldrug, 29th April 1915.

From

V. R. Thyagaraja Iyer Esquire M.A.,
Deputy Commissioner,
Chitaldrug.

To

D. M. Narasinga Row Esquire B.A., B.L.,
Offg: Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

DIARY No. J. 3525

13/5-10/16
SECTION 11-
FILE No. 226-14
SERIAL No. 6

S I R,

With reference to your letter No. J.3397-406/226-14-2 dated 6th April 1915, calling for my opinion in the matter of framing rules for the better administration of the Guardian and Wards Regulation V of 1911, I have the honor to state that I agree with the suggestion made by Mr. Paramasiva Iyer in the matter. This will not add materially to the work of Revenue Officers as cases where the minor's property yields a surplus will not be numerous.

2. It is also desirable to have a Regulation passed on the lines of the Court of Wards Act in British India, making the Revenue Commissioner the Court of Wards for Mysore.

I have the honor to be,

S I R,

Your most obedient servant,

V. R. Thyagaraja Iyer
Deputy Commissioner,
Chitaldrug District.

S.V.

Res

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

Bangalore, ⁴~~1st~~ June 1915.

No. 15171

FROM

K. Doraswami Iyer Esquire,

Revenue Commissioner in Mysore.

TO

The Secretary to the Government of

His Highness the Maharaja of Mysore, 17/5-1916

General and Revenue Departments.

DIARY No. J 3807

FILE NO.	226-14
CL. NO.	7

SIR,

In reply to your letter No. J.3397-406/Cts.226-14-2 dated 6th April 1915 requesting opinion on certain suggestions made by Mr. Justice T. Paramasiva Iyer, for the better administration of the guardian and wards Regulation &c, I have the honor to state that his suggestion to appoint the Deputy Commissioner invariably in all cases where the estate yields a substantial surplus will, if accepted, add to the work of these officers who are already overworked. It is not desirable to tax them with the responsibility of managing the estates of wards except in special cases where in the exercise of the discretion vested in the courts by the said Regulation these appointments may be considered indispensable.

2. As regards the question whether it is desirable to legislate on the lines of the court of wards Act in British India I beg to state that so far no necessity has been felt for having an enactment on those lines. The working of the guardian and guards Regulation has to be watched for sometime with a view to see whether it does not afford sufficient facilities for the satisfactory management of the properties

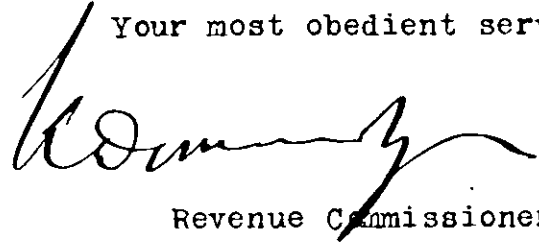
of

of wards in Mysore.

I have the honor to be,

Sir,

Your most obedient servant,



Revenue Commissioner.

V.M.R.

am
~ *SL*

No. 119.
Encls.

OFFICE OF THE MUZRAI SUPERINTENDENT IN MYSORE,

Dated Bangalore, 2nd August 1915.

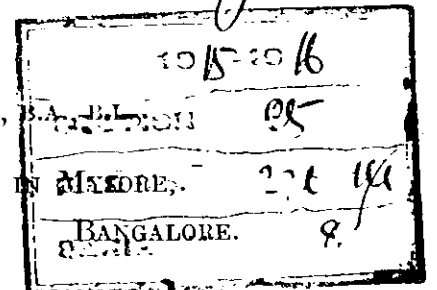
4

DIARY No. 360

FROM

G. ARAVAMUDU IYENGAR, Esq., B.A., B.L.,

MUZRAI SUPERINTENDENT IN MYSORE,



To

D. M. Narasinga Rao, Esquire, B.A. B.L.,

Offg. Secretary to the Government of His

Highness the Maharaja of Mysore, General

SIR,

Department.

Adverting to your letter No. J.3407/Cts.226-14-3 dated 6th April 1915 calling for an expression of opinion as to the desirability of enacting a Regulation on the lines of the Court of Wards Act in British India, I have the honour to state as follows.--

In a state like Mysore where large capitalists and landed proprietors are comparatively few, a Court of Wards Regulation with its extraordinary powers of initiative and management vested in executive officers does not appear to be quite an immediate necessity. The guardian and wards Regulation contains provisions for the Chief Executive Officer of the District taking action for the appointment of a guardian and for his being appointed in that capacity and in ordinary cases these provisions would appear to be sufficient for all practical purposes.

Cases may however conceivably occur where public interests require that large landed ~~states~~ estates in the possession of incapacitated owners should be capably managed, protected and improved and it may be an advantage to have a Court of Wards Regulation on the Statute Book to answer the needs of some cases. The chief executive

officer will have to be the District Deputy Commissioner and he will have to act under the control of the Court of Wards. In Bombay the Division Commissioner is the Court and in Madras it is the Revenue Board. In Mysore which follows the Bombay Revenue Law the Court if constituted will have to be the Revenue Commissioner who is the controlling and appellate authority over the Deputy Commissioners. The Muzrai Superintendent who is at best a co-ordinate officer with the Deputy Commissioner cannot suitably discharge the duties of the Court.

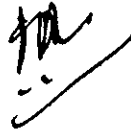
I have the honour to be, -

Sir,

Your most obedient servant,



Muzrai Superintendent.



From

111
19/12/15 1915-16. W.S. of
The Deputy Commissioner
Kadur Dist.

To

The Secretary to Govt.
General Dept.

Dated 16th

Despatched

Received

General No. ' 5. '

No.

Enclosure No.

Stating that the suggestion
made by Mr. Paramasimha
about making the Dy. Commr
the guardian and manager
is a good one & deserves the
careful consideration of Govt.

Office of the Deputy Commissioner,
Kadur District,
Dated, Chikmagalur, 16th August 1915.

From,

W. Krishna Iyer, Esquire.,
Deputy Commissioner,
Kadur District.

To,

D.M. Narasinga Rao, Esquire. B.A., B.L.,
Secretary to Government of Mysore,
General Department,

B A N G A L O R E.

DIARY No. *J 518*

1915-1916
SECTION <i>CS</i>
FILE NO. <i>226-14</i>
SERIAL No. <i>9</i>

Sir,

With reference to your letter No. J.3397-406 /cts-226-14-2 dated the 6th April 1915 forwarding for opinion copy of - letter No. 1330-84 dated 18th September 1914. from the Registrar of the Chief Court of Mysore, enclosing a note by Mr. T. Paramasiva Iyer, on the desirability of making the Deputy Commissioner, the guardian and manager in the case of all estates yielding a substantial surplus over the personal and Educational needs of ---- minors under the provisions of the Guardian and Wards Regulation, I have the honor to state that the suggestion is a very good one and deserves the careful consideration of Government--though no doubt it will add materially to the responsibility of the Deputy Commissioner's work.

I have the honor to be,

Sir,

Your most obedient servant,

W. Krishna Iyer
Deputy Commissioner,
Wm. Kadur District.

No. 98/9.14

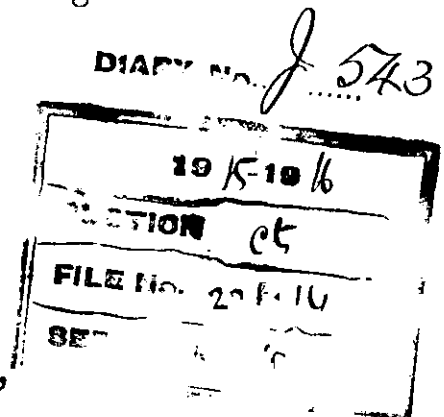
Office of the Deputy Commissioner,
Shimoga District,

Dated Shimoga 18th August 1915.

From

K. Matthan, Esquire, B.A.,
Deputy Commissioner,
Shimoga District.

To

D.M. Narasinga Rao, Esquire., B.A., B.L.,
Offg: Secretary to the Government of Mysore,
General Department,
Bangalore.

Sir,

Adverting to your letter No. J. 3397-406/ cts 226-14-2 dated 8th April 1915 and subsequent reminder No. J. 712 dated 10th August 1915 forwarding for opinion copy of letter from the Registrar, Chief Court, in the matter of framing rules for the better administration of the Guardian and Wards Regulation V of 1911, I have the honour to state that in my opinion the provisions of the Regulation are not quite adequate to safeguard the interests of minors who have the misfortune to lose their parents. When guardians are appointed by the court, it is very often the case that neither the well being of the minor nor the careful management of his estate receives proper attention at the hands of the guardians appointed by the court. It is very desirable that the cases where the value of the property left is considerable, or other circumstances ~~require~~ ^{under} such a course necessary, the minor and his property should be looked after by Government through responsible officers. The Regulation at present admits of the Deputy Commissioner being appointed guardian and also of his moving the District Court to appoint himself or some other person as guardian, but the ordinary procedure ^{of} the Civil Courts is very cumbrous and necessarily takes much time. Moreover when the Deputy Commissioner is appointed guardian, he finds that he has no means even to secure the attendance of persons for any enquiry, ^{or} and to obtain information as to the assets of the minor in other hands.

From

191 5-16.

The Deputy Commissioner,
Shimoga District.

To The Secretary to the Government of
Mysore, General Department,
Bangalore.

Dated 18th August 1915.

Despatched 19th

Received

General No. 98
No. 9-14
Enclosure No.

Adverting to his letter No.
J. 3397-406/cts.226-14-2 dated 6th April
1915 gives opinion for the better adminis-
tration of the Guardian and Wards Regula-
tion V of 1911.

In all these circumstances I am of opinion that a Regulation on the lines of the Court of Wards Act in force in British India, should be introduced in Mysore. The Muzaroy Superintendent may be the Court of Wards for Mysore.

I have the honour to be,

Sir,

Your most obedient servant,

K. A. S.

| Deputy Commissioner,

Shimoga District.

C.T.

M.

From

137 13/9 1915-16
 B. Ramaswamiya Esquire, B.A., B.L.,
 Deputy Commissioner
 Hassan District

To

D. M. Narasinga Rao Esquire, B.A., B.L.,
 Secretary to the Government
 of His Highness the Maharaja
 of Mysore, General Dept.
 Bangalore

Dated

9th September 1915.

Despatched

11th Camp Archalli

General No.

97

No.

S

Enclosure No. Nil

Subject

Submitting opinion in
 the matter of framing a
 rule for the better adminis-
 tration of the Guardians
 and Wards Regulation V
 of 1911, &c.

37

Deputy Commissioner's office
Hassan District
Dated Camp Arhalli
9th September 1915.

DIARY No. J 793

From,

B. Ramaswamiya Esquire, B.A., B.L.,
Deputy Commissioner,
Hassan District.

10/5-10/11
CL
SEP 11 1915
SEP 11 1915

To,

D. M. Narasinga Rao Esquire, B.A., B.L.,
Secretary to the Government
of His Highness the Maharaja
of Mysore,
General Department,
Bangalore.

Sir,

Referring to your letter
no: J. 3397-406 dated 6th April 1915, for-
C/O 226-14-2
warding copy of letter no: 1330/84 dated
the 18th September 1914, from the Registrar,
Chief Court of Mysore, together with
-a copy of its enclosure for an
expression of my opinion in the
matters of framing a rule for
the better administration of the
Guardian

Guardian - and Wards Regulation V of 1911 &c, I have the honour to state that I am not in favour of the proposals contained therein, in view of the substantial increase of work ~~to~~ the Revenue offices that will be involved by the measure in question. Owing to such increase of work there is every reason to fear that the same drawback of purely nominal control now said to be exercised by the Civil Courts, ~~will~~ attack to the control by Revenue offices. The remedy for the defects pointed out in Mr. Justice Paramasiva Iyer's note seems to me to be in the framing of suitable rules for the better - and more effective working of the said rules in the interests of the estates of minors by the present agencies - and not solely in providing for the appointment of the Chief Executive Revenue

Revenue officer - as guardian of
the Ward - and the manager of
his estate.

I have the honour to be,
Sir, -----

Your most obedient Servant,

N. Ramaswami

Deputy Commissioner
Hassan District

MM mm

From

191

The Deputy Commissioner,
Tumkur District.

To

The Secretary to Government,
General Department, Bangalore.

. Dated. 8th.

Despatched 7/6 September 1915.

. Received

General No.

No.

Enclosure No. Nil

Submits opinion on the suggestion
made in ^{Justice} Mr. Paramasiva Iyer's note in
the matter of framing rules for the --
better administration of the Guardian
and Wards Regulation, V of 1911.

40
12/9/15

Office of the
Deputy Commissioner, Tumkur District,
Dated, 8th September 1915.

From

K.R. Srinivasiengar, Esq., M.A.,
Deputy Commissioner,
Tumkur District.

REPLY No. J 795

18/9/15
15
27/1-14
12

To

D.M. Narasinga Rao, Esq., B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore; General Department,
Bangalore.

Sir,

In reply to your letter No. J.3397-406/Cts.226-14-2 calling for opinion on the suggestions made by Justice Mr. Paramasiva Iyer in the matter of framing rules for the --- better administration of the Guardian and Wards Regulation V of 1911, and enquiring whether it is desirable to have in this State a Regulation passed on the lines of the Court of Wards Act in British India, I have the honor to state as follows:-

2. With regard to the first point I beg to state that, as has been observed by the Chief Court in their letter No, 1330-84 dated 18th September 1914, the proposed change is likely to add considerably to the work of the Revenue Officers, which is at the present by no means light. I am therefore of opinion that instead of making it a rule to appoint the Deputy Commissioner as guardian in all cases in which ^{the} property concerned is valued above a prescribed amount, the present -- practice may be continued of consulting the Deputy Commissioner beforehand and appointing him as guardian only in cases where he is willing and can find time to take up the additional --- burden and responsibility of such appointment.

3. With regard to the 2nd point raised by Government, in the absence of any figures to show how many cases of --

uncared-for

uncared-for minors have come up till now either before the Deputy Commissioner, or before the Courts under the Guardian and Wards -- Regulation, it is difficult to express any opinion about the necessity or otherwise for ~~the~~ appointment of a Court of Wards to look after the interests of the minors. If the number of cases is sufficiently large to justify the creation of such an appointment, I think ^{that} the Muzrai Superintendent may be made the Court of Wards for Mysore as the matter is, for reasons given in ^{Justice} Mr. Paramasiva Iyer's note, one coming more within his sphere and as he can bestow greater personal attention to it than the Revenue Commissioner with his -- heavy and multifarious duties.

I have the honor to be,

Sir,

Your most obedient servant,

NVR

Thos. W. Arce
Deputy Commissioner,
Tumkur District.

B. M.

11/16/11
From

1915

The Deputy Commissioner
Kolar District

To

The Secretary to Govt of
Madras
General Department

Dated

Despatched

15th Nov 1915

Received

General No.

No.

192

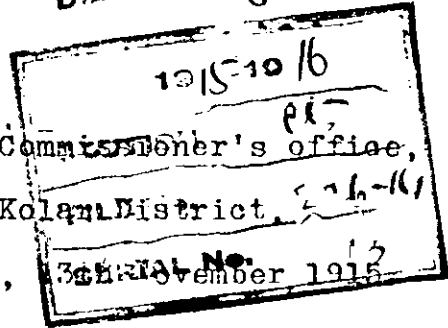
Enclosure No.

States that it is highly
desirable that some
rules for the better admin-
of the ~~Guarantee~~ ^{Guarantee} ~~wards~~ ^{wards} regulation
situation on the lines
and limitations proposed
by Mr Justice Parman-
sivier should be framed

42

192

DIARY No. 1339



Dated Kolar, 3rd November 1915

From

P. F. B O W R I N G, Esquire, J.P.,
Deputy Commissioner, Kolar District.

To

D. M. Narasinga Rao, Esquire, B.A, B.L.,
Secretary to the Government of Mysore,
General Department, Bangalore.

Sir,

With reference to your letter No.J.3397-406/Cts.226-14-2 dated 6th April 1915, calling for my opinion in the matter of framing rules for the better administration of the Guardian and Wards Regulation V of 1911, I have the honor to state that the guardians or private managers of minors' estates appointed by Courts have very often mismanaged the estates much to the prejudice of the minors' interests. With a view to safeguard their interests it is highly desirable that some rules on the lines and limitations proposed by Mr. Justice T. Paramasiva Iyer should be framed.

2. It also seems desirable to have a regulation passed on the lines of the Court of Wards Act in British India making the Muzrai ~~an~~ Superintendent the Court of Wards for Mysore.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Kolar District.

43

No. 5514 OFFICE OF THE INSPECTOR-GENERAL OF POLICE IN MYSORE,

Encl. 693

Dated Bangalore, 6th Apr. 1916

From

9
DIARY No. J. 2708

Diwan Bahadur C. SRĪKANTESVARA AYYAR, B.A., B.L.,
Inspector-General of Police in Mysore.

To

D. M. NARASINGA RAO, Esq., B.A., B.L.,
~~Officiating~~ Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department.

Sir,

With reference to your letter No. J. 3397-406/Cts. 226-14-2 dated 6th April 1915, forwarding copy of letter No. 1330/84 dated 18th September 1914 from the Registrar, Chief Court, and calling for opinion on the proposal to frame a rule that in the case of all estates yielding a substantial surplus the Deputy Commissioner be appointed guardian and manager etc, I have the honor to state that the proposal would materially increase the work of the Deputy Commissioners, whose energies are already overtaxed, and may not prove of benefit to the orphans whose estates are taken under management. The temples, chattrans etc which are cited as analogous have no complications such as private estates usually have. They have no loans to be collected or repaid, no lands under personal cultivation etc. The income is usually realized as a fixed sum from a lease holder and it is rarely that the Deputy Commissioner has to attend a civil court. The management of a private estate as a guardian would, on the other hand, compel the Deputy Commissioner to attend to litigation and any debt becoming time-barred by the negligence of that officer would be recoverable from him as a personal debt etc. As the

officer is already overworked, I think it unfair to make him responsible for this work also to which he cannot always personally attend.

2. The Guardian and Wards Regulation (V of 1911) already provides ample security for the safety of the orphan. Section 16 ensures the appointment of a suitable guardian and a remuneration may be paid to him under Section 21. His powers as to alienation of minor's property are entirely under the control of the Court (under Sections 28 and 32) and any improper alienation by the guardian is voidable at the option of the minor (Section 29). The guardian is also liable to make good any loss caused by improper management. The Court has also extensive powers of check and control over guardians under Section 33 and I fail to see why it should be difficult for the Judges, to exercise the supervision enjoined on them by law.

3. The Courts in exercising their power have this advantage, they have a guardian who does all the work of managing and they have only to check the work. The Deputy Commissioner, if appointed a guardian will have to attend to the work himself and if the estate is a complicated one, work is sure to suffer.

4. It may be argued that as in the case of the estate of the late Rao Bahadur Totadappa, the Deputy Commissioner will have a paid administrator to manage the estate. This would be substituting a costly hired agency for a Voluntary guardian and may often not be for the benefit of the orphan and would also needlessly add to the burden of the Deputy Commissioner.

5. The Guardian and Wards Regulation already provides for extraordinary cases where it is desirable that the Deputy Commissioner should be entrusted with the work vide Section 7(c) and I do not think it would be right to insist on his being appointed in case of all estates yielding a substantial

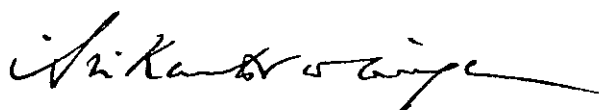
surplus. The Regulation has been in force only five years and a further trial should be given to its provisions before introducing changes.

6. Regarding the question of the introduction of the Court of Wards Act, I think that there is hardly any necessity for the same as the large landed estates in Mysore are so few in number.

I have the honor to be,

sir,

Your most obedient servant,



Inspector General of Police.

SUBJECT.....Communicating the views of Sd/-
re the proposal to frame rules for the
better administration of the Guardian
and Wards Regn.

Diary No. of letter replied to 2708

Section Courts

File No. 226-14

Serial No. 15

General and Revenue Secretariat

(Courts)
Dated, the 16th November 1916.

No. 1737.

Date of issue 16th November 1916 To
The Registrar, Chief Court,

Signed by Mr. G. Sreenivasa Iyer.

Adverting to your letter no 1330,
8.4.18th Feb 1914 forwarding a
note by Mr Justice Paramasiva
Iyer on the question of framing
rules for the better administration
of the Guardian and Wards Regn,
I am directed to state that, ^{without} more
experience of the working of the
Regulation it will not be
possible to say that an official

over.

< >

the guardianship
and the management
of the estates is necessarily
that, opinion, so far

as ascertained, is for the most part
against the proposal; and that
the appointment of Dy. Commrs.,
if it is to be without detriment
to their legitimate public business,
must be confined to exceptional
cases where no other agency can
conveniently be provided.

2. I am to add that Govt will
be prepared to reconsider the matter,
if necessary, after a few years
further experience, and to request
that this subject be
that ~~special attention~~ may be specially
dealt with
~~devoted to this matter~~ in the
annual administration report.

I have &c.

Esq. for Gen Secy
to Govt

1 List of enclosures.

W. J. B.

Copied by
Examined by

\$ 14.7.16